

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 465
NET METERING

Section

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AUTHORITY: Implementing Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5] and authorized by Sections 16-107.5 and 10-101 of the Public Utilities Act [220 ILCS 5/16-107.5, 220 ILCS 5/10-101].

SOURCE: Emergency rules adopted at 32 Ill. Reg. _____, effective December 22, 2007, for a maximum of 150 days.

Section 465.5 Definitions

EMEERGENCY

Terms defined in Section 16-102 of the Public Utilities Act (Act)[220 ILCS 5/16-102] shall have the same meaning for purposes of this Part as they have under Section 16-102 of the Act, unless further defined in this Part.

"Avoided costs" means the incremental costs to the electricity provider of electric energy or capacity or both which, but for the purchase from an eligible customer, the electricity provider would generate itself or purchase from another source.

"Electric utility" means a public utility, as defined in Section 5/3-105 [220 ILCS 5/3-105] of the Act, that has a franchise, license, permit or right to furnish or sell electricity or light, except when used solely for communications purposes, to "Retail customers" within a "Service area" as both of these terms are defined in Section 5/16-102 of the Act.

"Electricity provider" means an electric utility, whether providing services within or outside of its service area, or an alternative retail electric supplier.

"Eligible customer" means a retail customer that owns or operates a solar, wind, or other eligible renewable electrical generating facility with a rated capacity of up to 2,000 kilowatts that is located on the customer's premises and is intended primarily to offset the customer's own electrical requirements.

"Eligible renewable electrical generating facility" means a generator up to 2,000 kilowatts powered by solar electric energy, wind, dedicated crops grown for electricity generation, anaerobic digestion of livestock or food processing waste, fuel cells or microturbines powered by renewable fuels, or hydroelectric energy.

"Net electricity metering" (or "Net metering") means measurement during the billing period applicable to an eligible customer of the net amount of electricity supplied by an electricity provider to the customer's premises or provided to the electricity provider by the customer.

"Time of use rate" means any contract or tariff where the kWh price is not uniform over all of the hours in a billing period.

Section 465.10 Application of Part 465 EMEERGENCY

This Part shall apply to all Illinois electric utilities and alternative retail electric suppliers as defined in the Act required to provide net metering services in accordance with Section 16-107.5 of the Act [220 ILCS 5/16.107.5].

Section 465.20 Purpose of Rule EMEERGENCY

The purpose of this Rule is to establish standards for net metering in accordance with the requirements of Section 16-107.5 of the Act. Nothing in this Part is intended to conflict with or supersede 83 Ill. Adm. Code 452.

Section 465.30 Tariffs
EMEERGENCY

Prior to February 1, 2008, each electric utility subject to Section 16-107.5 of the Act shall file a tariff with the in compliance with Section 16-107.5 of the Act and this Part.

Section 465.40 Reporting Requirements
EMEERGENCY

The report required by Section 16-107.5(k) of the Act shall be filed with the Manager of the Energy Division of the Illinois Commerce Commission by April 1st of each year. The report shall include all information required under Section 16-107.5(k) of the Act, including, but not limited to, the following information: the total peak demand supplied by the electricity provider during the previous year; the total generating capacity of its net metering customers; whether the electricity provider intends to limit total generating capacity of its net metering customers to 1%; and, the electricity provider's total number of net metering customers.

Section 465.50 Electricity Provider Billing for Eligible Customers
EMEERGENCY

- a) For all eligible customers that have eligible renewable electrical generating facilities, except those eligible non-residential customers with a nameplate rating over 40 kilowatts and up to 2,000 kilowatts, electricity providers shall calculate and render bills in accordance with Sections 16-107.5(c) through (e) of the Act.
- b) For all eligible non-residential customers that have eligible renewable electrical generating facilities with a nameplate rating over 40 kilowatts and up to 2,000 kilowatts, electricity providers shall calculate and render bills in accordance with Sections 16-107.5 (c) through (f) of the Act. For purposes of the application of Section 16-107.5(f), the term "avoided cost" shall have the meaning as defined in Section 465.5.
- c) Electricity providers shall calculate and render bills to eligible customers taking service under a time of use rate(s) in accordance with Sections 16-107.5 (c) through (f) of the Act.

Section 465.60 Complaint Procedures
EMEERGENCY

Complaints alleging violations of this Part shall be filed pursuant to 83 Ill. Adm. Code Part 200.

Section 465.70 Penalty Provisions
EMEERGENCY

- a) Upon complaint or on the Commission's own motion, the Commission may conduct an investigation of an electricity provider's actions under any Section of this Part. The Commission may, after notice and hearing:
 - 1) order an electricity provider to cease and desist or correct any violation of, or nonconformance with, any provision of this Part;
 - 2) require an electricity provider to make due reparations or refunds as permitted by statute;
 - 3) impose financial penalties for violations of, or non-conformance with, the provisions of this Part as permitted under the Act;
 - 4) take other remedial and preventive action as provided for under the Act.
- b) The remedies shall be cumulative and may be imposed in addition to other remedies.